

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Daniel Riles, Michael Merli,
and Alexander T. Taubes,

Complainants

against

Docket #FIC 2021-0686

Commissioner, State of
Connecticut, Department of
Correction; and State of
Connecticut, Department of
Correction

Respondents

November 16, 2022

The above-captioned matter was scheduled to be heard as a contested case on October 17, 2022, at which time the respondents appeared, with a witness, but the complainants failed to appear.

The Commission notes that this matter was originally scheduled to be heard on March 30, 2022, with complainant Michael Merli as the sole complainant. However, on March 25, 2022, Attorney Alexander T. Taubes filed an appearance, along with a request to amend the case caption to add Attorney Taubes and Daniel Riles as complainants. Attorney Taubes also requested that the hearing be continued so that Mr. Riles, who was incarcerated at that time, would be able to be present for the hearing. Absent objection from the respondents, such requests were granted.

On September 22, 2022, the Commission issued a Notice of Rescheduled *In-Person* Hearing notifying the parties that the hearing would take place on October 17, 2022 at “the Freedom of Information Commission’s Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut.” When the complainants did not appear for the rescheduled hearing, the hearing officer directed the Acting Clerk of the Commission to contact the complainants. The Commission notes that Mr. Merli, who is Attorney Taubes’ paralegal, informed the Acting Clerk of the Commission that they mistakenly believed that the hearing was scheduled to convene remotely. However, as noted, the notice of rescheduled hearing clearly states that the hearing would convene *in-person*. The Commission further notes that Mr. Merli informed the Acting Clerk that Mr. Riles was no longer incarcerated at the time of the hearing (which counsel for the respondents confirmed on the record), but Mr. Riles also failed to appear *in-person*.

After the hearing was closed, the complainants filed a motion to reopen the hearing. That motion, which did not set forth any grounds to demonstrate good cause to reopen the hearing, was denied.

Finally, the Commission notes that the respondents represented on the record that the complainants have been afforded the opportunity to inspect the video that was the subject of the request at issue, and that the complainants would be afforded the opportunity to inspect the video again if they so desire.

The following order is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The complaint is hereby dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of November 16, 2022.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

MICHAEL MERLI, c/o Attorney Alexander T. Taubes, 470 James Street, Suite 270, New Haven, CT 06513

**COMMISSIONER, STATE OF CONNECTICUT, DEPARTMENT OF
CORRECTION; AND STATE OF CONNECTICUT, DEPARTMENT OF
CORRECTION**, c/o Attorney Tracie C. Brown, State of Connecticut, Department of Correction, 24 Wolcott Hill Road, Wethersfield, CT 06109



Cynthia A. Cannata
Acting Clerk of the Commission